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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,360	03/23/2004	Karel Bostik		4770
<div>7590 07/26/2007</div> <div>Karel BOSTIK 15116 - 86 Street EDMONTON, AB T5E 5X6 CANADA</div> <div>EXAMINER AMIRI, NAHID</div> <div>ART UNIT PAPER NUMBER</div> <div>3679</div> <div>MAIL DATE DELIVERY MODE</div> <div>07/26/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/806,360	Applicant(s) BOSTIK, KAREL	
	Examiner Nahid Amiri	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: Group I, Figs. 1-2; Group II, Fig. 3; Group III, Fig. 4; and Fig. 5 is common within the Groups I-III.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Group I, Figs. 1, 2 and 4, having a continuous groove is the first technical feature of Applicant's invention.

Group II, Fig. 3, having a number of discontinuous cavities is the second technical feature of Applicant's invention.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. Karel Bostik on 26 April 2007 a provisional election was made with oral traverse to prosecute the species of Group I, Figs. 1-2, claims 1 and 3-7. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8 and 9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

The drawings are objected to because Fig. 2 shown with improper cross hatching. Fig. 5, shown multiple views in one figure. The extraneous writing on the drawing is improper.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. Specification page 1, under "TITLE OF THE INVENTION" applicant should delete lines 1-3 except the title of the invention "**SHEAR COUPLING**".

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Specification, page 2, line 1, "STAETMENT" should be changed to --STATEMENT--; and page 3, paragraph 0014, line 1, "Fig4." Should be changed to --Fig.4--.

Claim Objections

Claims 1-4 are objected to because of the following informalities:

Claim 1, line 2, "externally" should be changed to --an externally--.

Claim 2, line 3, "cylinder" should be changed to --cylindrical hollow body--.

Claim 3, line 1, "claim1" should be changed to --claim 1--; and line 1, after " by" should add --a--.

Claim 4, line 2, after " by" should add --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, lines 1-2 and claim 4, line 2, applicant improperly add additional elemtn of "corrosion" to a close-ended claim.

Claim Rejections - 35 USC § 102

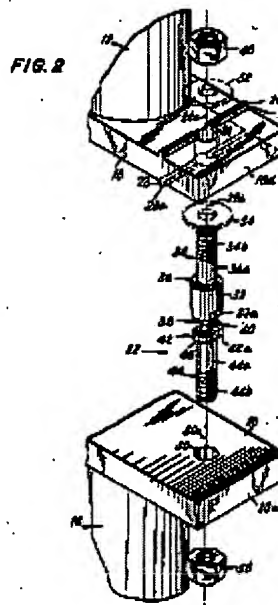
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,967,906 Strizki.

With respect to claim 1, Strizki discloses a shear A single-part shear coupling (22, Fig. 2 consisting of a cylindrical body (32) with an internal threaded cavity in one end of said body (32) and externally threaded pin (44) on the other end of said body (22), a cylindrical hollow part of body (32) joining both said ends of the body (32) is weakened by a groove providing a stress concentration point where the coupling will part, when exposed to a predetermined desired load.



Claims 2, 5, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,923,319 Dent.

With respect to claims 2, 5, 6, and 7, Dent discloses a single-part shear coupling (32, Figs. 1, 2) consisting of a cylindrical hollow body (34) with an internal thread in both ends (36, 38) of said body (34), which is weakened by a groove positioned between said threaded ends (36, 38) of the cylindrical hollow body (34) providing a stress concentration point (30) where the coupling will part, when exposed to a predetermined desired load; wherein the stress concentration point (30) is provided by locally reducing the outside diameter of the body of the said coupling (32) and also locally enlarging the inside diameter of the body (34) of the said coupling (32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent as applied to claims 2, 5, 6, and 7 above, and further in view of US Patent No. 5,236,230 Mudge, Jr. et al.

With respect to claims 3 and 4, Dent discloses the claimed invention except for the surface of the groove is protected by corrosion preventing coating; wherein the inside surface of the cylindrical body of said coupling, opposite to the outside groove, is protected by corrosion preventing coating. Mudge Jr. et al. teach (Figs. 4A, column 14, lines 65-67) that the inner surface (14ab) of the tube (14) is coated with a protective corrosion barrier (14g). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the surface of the groove and the inside surface of the cylindrical body of the coupling (22) opposite to the outside groove of Burton with corrosion preventing coating in order to protect the coupling due to a moisture.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art of record US Patent No. 4,475,839 Strandberg; US Patent No. 4,411,546 Fischer; US Patent No. 2,332,353 Stecher; US Patent No. 4,016,796 Brannan; US Patent No. 4,558,895 Tamplen; US Patent No. 5,876,147 Longo; US Patent No. 4,858,926 Cabianca; US Patent No. 6,513,593 B2 Prasad; US Patent No. 4,653,953 Anderson et al.; US Patent No. 3,065,983 Flumerfelt; US Patent No. 5,152,118 Lancelot; US Patent No. 5,253,946 Watkins; US Patent NO. 5,474,408 Dinitz et al.; and US Patent No. 4,433,933 Parsons, Jr. et al.; are cited to show a shear coupling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nahid Amiri
Examiner
Art Unit 3679
April 25, 2007



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